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Attorneys for Federal Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,) E-Filing
v.) Civil Case No. C06-04034 JW
ASPEN VENTURES WEST II, L.P)
Defendant.) JOINT CASE MANAGEMENT
) CONFERENCE STATEMENT
Date: Nov. 6, 2006
Time: 10:00 AM
Room: Ctrm 8, 4th Floor
280 South 1st Street
San Jose, CA

The parties to the above entitled action jointly submit this Case Management Statement and Proposed Order and request the Court adopt it as its Case Management Order in this case.

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Description of the Case

1. Overview: **ASPEN VENTURES WEST II, L.P.** (“Aspen West”) was licensed by United States Small Business Administration (“SBA”) as a Small Business Investment Company (“SBIC”) under section 301 (c) of 15 U.S.C. §681(c). SBA determined the SBIC to be capital impaired in 2003, unable to cure the capital impairment by 2003, from 2003 to 2005 in liquidation status, in 2006 obtained the SBIC’s agreement to a Consent Order for Receivership and for SBA to be appointed Receiver by the court.

2. Thereafter, since the court has jurisdiction over SBIC receiverships, SBA obtained court approval of the Consent Order for Receivership, and SBA was appointed Receiver on October 4, 2006. Currently, there is approximately \$19.4 million (principal) in outstanding Participating Securities purchased by SBA.

3. Current Status: SBA as Receiver is currently marshalling assets and reviewing the financial records of Aspen West. SBA will file an annual accounting with the court approximately January 2008 for the period between October 4, 2006 and November 30, 2007. There are no anticipated issues, factual or discovery disputes between the parties, since Aspen West has fully cooperated with the Receiver.

4. Since a Consent Order of Receivership has been entered, no trial date is needed. However, overall court supervision¹ is needed until the Receiver completes the

¹ Typically, SBIC Receivership cases take approximately 1-2 years to complete and the next anticipated motions will be to seek a claims bar date in approximately six months and court approval of the Receiver First Annual Report in approximately 1 year. The court for efficient court administration can *sua sponte* decide to (a) administratively

1 accounting process, requests the court set a claims bar date for any other potential
2 creditors/claimants, submits accounting reports, completes liquidation of Aspen West,
3 and seeks case closure.
4

5 5. Therefore, the parties² respectfully suggest canceling the November 6, 2006,
6 Case Management Conference and all future case management conferences. The
7 Receiver expects to file its first annual accounting for this Receivership approximately
8 January 2008.
9

10 UNITED STATES OF AMERICA

11 Dated: October 26, 2006 by: /s/ Edwin L. Joe
12 Edwin L. Joe
Special Assistant United States Attorney

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14 U.S. SMALL BUSINESS ADMINISTRATION
AS RECEIVER FOR ASPEN VENTURES WEST II., L.P.
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16 Dated: _____ by: _____
17 Beverley Hazlewood Lewis
Trial Attorney
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close this case until such time that the Receiver requests to re-open this case to seek
further appropriate court relief and (b) vacate all case management dates.

2 By Order entered October 4, 2006, this Court appointed SBA as Receiver for the
defendant (Aspen West) and conferred the powers of the general partner solely upon
SBA as Receiver. Therefore, SBA, in its capacity as Receiver, is the only authorized
representative for the defendant. Accordingly, this statement is being executed by SBA
as Receiver for the defendant.

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2 creditors/claimants, submits accounting reports, completes liquidation of Aspen West,
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10 UNITED STATES OF AMERICA

11 Dated: _____ by: _____
12 Edwin L. Joe
Special Assistant United States Attorney
13

14 U.S. SMALL BUSINESS ADMINISTRATION
AS RECEIVER FOR ASPEN VENTURES WEST II., L.P.
15

16 Dated: 10/20/06 by: Beverley Hazlewood Lewis
17 Beverley Hazlewood Lewis
Trial Attorney
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22 close this case until such time that the Receiver requests to re-open this case to seek
23 further appropriate court relief and (b) vacate all case management dates.
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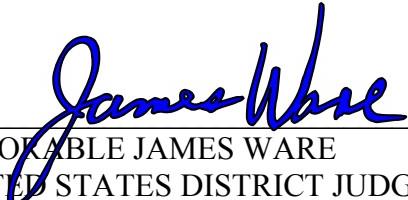
25 2 By Order entered October 4, 2006, this Court appointed SBA as Receiver for the
defendant (Aspen West) and conferred the powers of the general partner solely upon
26 SBA as Receiver. Therefore, SBA, in its capacity as Receiver, is the only authorized
representative for the defendant. Accordingly, this statement is being executed by SBA
27 as Receiver for the defendant.
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1 CASE MANAGEMENT ORDER
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5 This Case Management Statement and Proposed Order is hereby adopted by the
6 Court as the Case Management Order for the case and the parties are ordered to comply
7 with this Order. In addition the Court orders:

- 8
- 9 1. The Case Management Conference for November 6, 2006 at 10:00 AM is
10 hereby cancelled and no further case management dates are to be set.
- 11 2. The Court also *sua sponte* orders this case administratively closed with the
12 Receiver permitted to re-open the case at a later time to seek additional appropriate post-
13 judgment court relief.
- 14

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16 Dated: November 2, 2006

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HONORABLE JAMES WARE
UNITED STATES DISTRICT JUDGE

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1 Proof of Service by Mail

2 I declare that:

3 I am employed in the City and County of San Francisco, State of California. I am
4 over the age of eighteen years and not a party to the within action. My business address
5 is United States Small Business Administration, 455 Market Street, 6th Floor, San
6 Francisco, CA 94105-2420. I am readily familiar with the business practices of this
7 office for collection and processing of correspondence by mailing with the United States
8 Postal Service.

9 On October 26, 2006, I served the within:

10 **JOINT CASE MANAGEMENT CONFERENCE STATEMENT AND
(PROPOSED) ORDER**

11 on the persons addressed as shown below in said cause by placing a true and correct copy
12 thereof in sealed envelopes for collection and mailing pursuant to the ordinary business
13 practice of this office whereby correspondence for mailing is collected, postage is pre-
14 paid and depositing with the United States Postal Service on the same day at San
15 Francisco, California.

16 BEVERLEY HAZLEWOOD LEWIS
17 Trial Attorney
18 U.S. Small Business Administration
19 409 Third Street, S.W., Suite 7200
20 Washington, D.C. 20416

21 E. DAVID CROCKETT
22 10898 Mora Drive
23 Los Altos Hills, CA 94024

24 I declare under penalty of perjury under Federal law and laws of the State of
25 California that the foregoing is true and correct and that this declaration was executed on
26 October 26, 2006, at San Francisco, California.

27 
28 _____
29 Twyla Dyck
30 Legal Assistant